

83648/PAL
Customer No. 01333

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Inventor(s):
Yeh-Hung Lai, et al

**APPARATUS AND METHOD FOR
CUTTING SHEET MATERIAL**

Serial No. 10/037,017

Filed: December 21, 2001

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

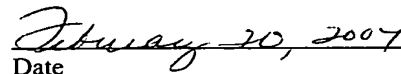
Sir:

Group Art Unit: 3724

Examiner: Unknown

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Carol A. Kukurudza


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RESPONSE TO REQUIREMENT FOR RESTRICTION AND ELECTION

This is in response to the restriction requirement of January 21, 2004.

Examiner has required restriction between species A of figure 2 and species B of figure 3.

The Examiner states that the applicant is required under 35 USC 121 to elect a single disclosed species for prosecution on the merits to which the claim shall be restricted that if no generic claim is held allowable.

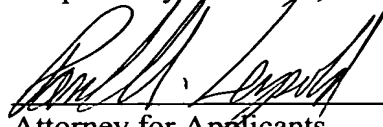
The applicant hereby elects the species A Figure 2 invention for examination with traverse. The applicant considers that claims 1-8, 10-11, and 15-18 to read on the elected species.

The only reason the Examiner has given for requiring species election is that the claims set forth patently distinct species. The Examiner has not alleged that the searches are not overlapping or that the inventions have a separate status in the art. The inventions would require overlapping searches. Further, the search of species B would necessarily require searching species A. The most compact prosecution of the species set forth by the invention is to examine and search both in one application

rather than piecemeal. The examiner has not shown that the inventions are patently distinct. Therefore, it is respectfully requested that this election be reconsidered and withdrawn.

Therefore, it is respectfully requested that an Office Action on the merits of all pending claims be issued in this application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Paul A. Leipold", written over a horizontal line.

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